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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 31, 2011

A2Z Enterprises LLC  
Attn Dan Morrison  
408 Scribner Road  
Port Angeles WA 98362

Dear Mr. Morrison:

Re: Application for Change No. CS2-SWC6785

Enclosed is a notice of application for change to add purposes of use and change the point of diversion to existing Water Right Certificate No. 6785.

***Legal Notice***

A legal notice of application announces your proposed water use to the public and allows interested persons to comment. We have prepared and enclosed this notice for you. You need to arrange (including covering the costs) for it to be published in the legal section of a newspaper published in Clallam County. It must appear once a week for two consecutive weeks. The selected newspaper must:

- have general circulation in the area where the water is to be diverted and used, and
- be qualified as a legal newspaper.

The enclosed newspaper list may help you select an appropriate newspaper for the area. It is important to select a suitable newspaper: if the notice is published in a newspaper that does not meet the above criteria, you will be required to have the notice re-published, at your expense. *Publication should start within 30 days from the date of this letter.*

***Review Legal Notice carefully***

It is your responsibility to check the notice carefully before having it published. If you find an error, please contact this office for correction and/or resolution. If we later find an error in your public notice, you will be required to re-publish an amended notice at your expense.

***Next step***

After publication, you must request an Affidavit of Publication from the newspaper(s) in which your notice was published. The Affidavit must be an original, notarized copy of your notice. Please forward it to our office as soon as possible. We cannot accept a photocopy of the affidavit.

If you have any questions, please feel free to call me at (360) 407-0240.

Sincerely,

Sheri Carroll  
Water Resources

State of Washington  
DEPT. OF ECOLOGY

Notice of Application to add purposes of use and change the point of  
diversion to existing water rights

*Take Notice:* That A2Z Enterprises LLC of Port Angeles has filed an application to add purposes of use and change the point of diversion to existing rights granted under Surface Water Right Certificate No. 6785. Certificate No. 6785 was originally granted to G.W. Critchfield and issued 0.2 cubic feet per second, 56 acre-feet per year from Dry Creek (multiple points) for purpose of irrigation.

The intent of the application is to change the point of diversion of 0.2 cubic feet per second from Dry Creek (multiple points) to 90 gallons per minute from two well (1 & 2) located within the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 12 T. 30 N., R. 7 W. W.M. Clallam Co. for the purpose of Recreation and Dust Control along with the original purpose of irrigation.

Protests or objections to approval of this application must include a detailed statement of the basis of objections and are subject to public disclosure. Protests must be accompanied by a \$50.00 fee & filed with the Dept. of Ecology, Cashiering Unit P O Box 47611 Olympia, WA 98504-7611 within (30) days from: \_\_\_\_\_ (LAST DATE OF PUBLICATION TO BE ENTERED HERE BY PUBLISHER)

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 30, 2011

Dan Morrison  
A2Z Enterprises  
408 Scribner Road  
Port Angeles, WA 98362

Dear Mr. Morrison:

Re: Application for Change/Transfer of Water Right S2-SWC 6785

On February 2, 2009, you filed the above *Application for Change* to change the point of diversion from multiple points on Dry Creek to seven wells and add a purpose of use to SWC 6785.

Before I can begin processing your requested change I need the following:

- Information on the wells you wish to add to this certificate:
  - Latitude and longitude
  - Well reports, if available
  - Well depth and construction details
  - Pumping capacity.
- Date when you stopped diverting surface water and started using the wells.
- Information on irrigation practices:
  - How many acres irrigated historically and in the past five years.
  - Method of irrigation.
  - Crop grown.
  - How much water was used.
- Additional details on how you plan to put the water to use after the change, if approved.
  - Estimates on how much water needed for dust control.
  - Consumptive use for water needed for ponds.
- Development schedule for putting the water to beneficial use.



You will be also receiving information regarding public notice. Once public notice has been done and an affidavit has been sent to Ecology and I receive the above information, I can begin processing your application.

Please feel free to contact me if you have questions at 360-407-6099.

Sincerely

A handwritten signature in black ink, appearing to read 'Tammy Hall', with a horizontal line extending to the right.

Tammy Hall, L. H.G  
Hydrogeologist/ SWRO  
Water Resources Program  
[Thal461@ecy.wa.gov](mailto:Thal461@ecy.wa.gov)



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 3, 2009

Dan Morrison  
408 Scribner Road  
Port Angeles, WA 98362

Dear Mr. Morrison:

Re: Application for Change of Water Right Certificate S2-SWC6785

On February 9, 2009, we received your application to change the purpose of use and point of diversion of surface water diverted under Surface Water Right Certificate 6785. In your cover letter, you stated that your project has significant environmental benefit to Dry Creek and requested priority processing of the application under WAC 173-152-050(3)(a). Alternatively, you asked that Ecology issue a temporary authorization for the 2009 season. **This letter is to inform you that the Department of Ecology is unable to priority process this application and that a temporary authorization is denied.**

**Summary of proposed changes**

You requested that the existing surface-water points of diversion under Water Right Certificate S2-SWC6785 be changed to groundwater points of withdrawal and that recreational use be authorized. Your cover letter also states that the recreational purpose will include water for sanitation, dust control, or other purposes that may be required for the project. The proposed changes to the water right would enable the operation of a sprint boat race track.

You indicated that less water would be diverted from Dry Creek than under the original proposal and that a portion of the right could be donated to the Trust Water Right Program. Water used for the race track would be reused for irrigation and fewer acres would ultimately be irrigated under the changed right. You also claimed that withdrawal of groundwater would reduce direct impacts to the creek and that the portion of the changed right attributable to irrigation return flows would "be returned" to the stream.

**Project does not qualify for priority processing**

WAC 173-152-050(3)(a) allows priority processing of a change application if its approval would "substantially enhance the quality of the natural environment". We have determined that your application does not qualify under this subsection due to the following reasons:

- We currently have no evidence of the quantity of water used historically and the amount proposed for use. Because irrigation will continue, and new uses will be added, we will

need to fully evaluate your proposal and conduct an annual consumptive quantity (ACQ) analysis to determine the net effect of the proposal (RCW 90.03.380(1)).

- Even if we assume that the proposed water use will be less consumptive than the original project, there is no evidence that the change would result in substantial enhancement of the environment. Your project may cause water quality or other adverse impacts yet to be identified through the State Environmental Policy Act (SEPA) process.
- A change from surface to ground water will not necessarily lessen impacts to Dry Creek. Some of the wells under this application are located adjacent to the creek and will likely have an immediate and direct impact on surface waters. The other wells will have a somewhat delayed impact, possibly exacerbating late summer and early fall low flows.
- Return flows subtracted from a water right during an ACQ analysis are not considered a return of water to the stream as that portion of the right was never consumptively used. Your application also does not designate any portion of the right for in-stream flow or trust purposes.

#### **Temporary permit denied**

Under Ecology's Policy 1035, requests for temporary permits are evaluated with respect to the following criteria: 1) imminent threat to public health and safety; 2) economic emergency caused by unforeseen natural events; and 3) high degree of public interest. Your application does not meet any of these criteria. Temporary permits are not intended to circumvent the application backlog or to legitimize a yet unauthorized use of water.

#### **Status of change application and Cost Reimbursement option**

There is currently a backlog of senior change applications in Ecology's Southwest Region, some of which qualify for priority processing. Junior applications may also qualify for earlier processing if they meet the criteria specified under WAC 173-152-050. Thus, we are unable to give you an accurate estimate of when a decision will be made on your application.

Under RCW 90.03.265, you have the option to request expedited processing of your application under a cost-reimbursement agreement. Under this option, you would pay the cost of having your application processed by a consultant hired by Ecology. However, there is considerable expense involved (approximately \$10,000-15,000 per application). If you are interested in this option, please contact Phil Crane of our office at 360-407-0238.

#### **What you can do to minimize the waiting time for your change decision**

- Submit estimates of historical water use including information supporting these figures, such as aerial photographs of irrigated acreage, dedicated power meter records, detailed records of crops grown, and a description of the irrigation equipment.
- Itemize all intended uses such as racetrack, dust control and sanitation. Estimate how much water will be needed for each use.
- Submit a copy of the SEPA threshold determination for your project, when issued. Include any information concerning mitigation required.

If you have any questions concerning this letter, please contact Marie Peter of my staff at (360) 407-0279 or via e-mail at [mpet461@ecy.wa.gov](mailto:mpet461@ecy.wa.gov).

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

OR Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 - 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

**3. And send a copy of your appeal to:**

Thomas Loranger  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:*

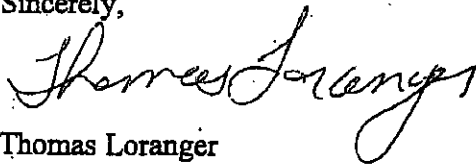
*<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser> .*





If you have any questions, please contact Ecology at (360) 407-6300.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Loranger". The signature is written in dark ink and is positioned above the printed name and title.

Thomas Loranger  
Section Manager  
Southwest Regional Office  
Water Resources Program



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 10, 2009

A2Z Enterprises LLC  
408 Scribner Road  
Port Angeles WA 98362

Re: Application for Change of Water Right No. CS2-SWC6785

Dear Sir or Madame:

The Department of Ecology has received your water right change applications. We have assigned the numbers shown above. Please include these numbers if you contact us regarding your applications.

**Processing your application**

Generally, we group applications by watershed and process them in the order submitted. It will be some time before we begin working in your area. When we start evaluating applications in your watershed, we will prepare a public notice and send it to you with publication instructions. Filing an application does not give you permission to make the requested change.

While your change application is on file awaiting a decision, water use must continue as authorized under the existing water right. Nonuse for a period of five consecutive years may be cause for relinquishment. You may review the relinquishment statute at <http://apps.leg.wa.gov/RCW/default.aspx?cite=90.14.140>.

**Alternative process: Water Conservancy Boards**

Due to the heavy volume of water right applications currently filed with Ecology, we want to be sure you are aware of another option for processing changes to existing water rights: *Water Conservancy Boards*. A board may be available in your county. They provide initial processing of water right change applications at the local level, for Ecology's review. For more information on Water Conservancy Boards, visit: <http://www.ecy.wa.gov/programs/wr/wrhome.html>.

Please notify Ecology of changes such as your address, the property ownership, or in your proposed water use plans. If you have any questions, please contact Ecology at (360) 407-6300.

Sincerely,

Sheri Carroll  
Water Resources Program

